

EXHIBIT “9”

David P. Pogrel

From: David P. Pogrel
Sent: Wednesday, February 06, 2008 5:09 PM
To: 'tmak@morganlewis.com'
Cc: Christopher A. Olsen; mjb@gdblegal.com; Singer, Michael; Aaron Kaufmann
Subject: Saidel v. CBS - Meet and Confer

Theresa-

Thanks for taking time between your meetings to talk today. This is to confirm our conversation and thoughts on the upcoming motions to compel.

You confirmed that Becky Eisen filled you in about our general discussion on Friday, during which I reiterated to her that plaintiffs cannot wait to file our motions until after mediation given the Court's deadline for the class certification. We both agreed that Judge Conti appears very unlikely to grant an extension of time to file for class certification, even upon stipulation by the parties. I confirmed that, because of the deadline that appears firm, we will file our motions soon (unless we reach an agreement as described below) and we will then see what hearing date we are given after the motion is assigned to a magistrate, which we understand is the protocol for Judge Conti's cases. If the hearing date that we are given by the court does not give you sufficient times to brief your opposition after our March 12th mediation, we agree to work with you for a different date but I could not commit to any particular timeline or extension for briefing without further information.

We then discussed a proposal under which we would try to limit the number of Motions to Compel each side would need to file, particularly on items that may be less in dispute (if, I suppose, that are varying levels of dispute). I made the proposal - which I understand was news to you today. I proposed that we agree to a mutual exchange of the discovery items over which we are both asserting privacy objections - we would agree to give you full and unredacted copies of Terry Saidel's personal calendars and cellular phone records (and Camille Jackson's if they exist, I do not know offhand). In exchange, you would agree to provide us with the contact information we have requested in special interrogatories 1-4 (AE and supervisor names, and last known address and phone numbers). Under my proposal, we would agree to exchange this information on March 14th if we do not reach a settlement at the March 12th mediation. We would both commit to this agreement, in writing, and this would alleviate the need for motion practice on the privacy objections of each side.

I also suggested that we should also be able to reach agreement with regard to the mileage documentation, documents on expenses reimbursed, and expense forms (document requests 12, 19, and 23). As stated in my 1/30/08 letter, these documents go to the heart of this case and it is difficult for us to imagine Judge Conti not ordering production. We do not have a bifurcation of discovery in this case that distinguishes between class and merits discovery, and even if we did the documents are relevant to class for the reasons stated in my letter. I told you that I may be able to convince Mr. Saidel to waive his privacy interest in his tax returns if you would provide these documents, but I was not sure as we feel very strongly about this privilege as you know.

Ultimately, I think the best way to resolve these discovery disputes is for CBS to withdraw its objections on items that are clearly responsive so we can focus our motion practice only on the truly disputed items. I agreed to look at the documents we are withholding with that idea in mind, and ask you to do the same in the hopes of reaching agreement as described above. You said that you would try and talk with Ms. Eisen and your client within a day or two, and I told you we need to reach agreement by the end of this week or we will have no option but to file our motions given the pressing deadlines.

Thanks again for your time. Please let me know if any of the above is not what we discussed.

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